

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
Corby Sturges, Attorney, 415-865-4220
Christopher Wu, Supervising Attorney, 415-865-7721

DATE: September 25, 2003

SUBJECT: Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 1425 and 1426; revise forms JV-450, JV-500, JV-501, JV-600, and 982(a)(27); revise form FJ-200 and renumber as FL-935) (Action Required)

Issue Statement

Several California rules of court and Judicial Council forms fail to comply with statutory requirements, frustrate effective coordination of proceedings, are unclear and confusing, or contain typographical or technical errors.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2004:

1. Amend rule 1425 of the California Rules of Court to clarify that a court transferring a dependency or delinquency case may send certified copies of the transfer order and the case file, not true originals, to the court that is receiving the case and that the residence of the person entitled to physical (not legal) custody is the child's residence;
2. Amend rule 1426 to require the receiving court to notify the transferring court of receipt of the order and case file;
3. Revise Judicial Council forms JV-500 (*Paternity Inquiry—Juvenile*) and JV-501 (*Paternity—Finding and Judgment*) to eliminate references to presumed fathers;
4. Add a clerk's certificate of authenticity to form JV-450 (*Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance*) to facilitate cooperation between the court and the prison officials

involved in transferring a prisoner to court for a hearing affecting his or her parental rights;

5. Revise form JV-600 (*Juvenile Wardship Petition*) to solicit information about the child's paternity and Indian heritage.
6. Revise form FJ-200 (*Application and Order for Appointment of Guardian ad Litem of Minor—Family Law/Juvenile*) to eliminate a conflict with section 326.5 of the Welfare and Institutions Code, renumber form FJ-200 as form FL-935, and rename it *Application and Order for Appointment of Guardian ad Litem of Minor—Family Law*; and
7. Revise form 982(a)(27) (*Application and Order for Appointment of Guardian ad Litem—Civil*) to correct the cross-reference to revised and renumbered form FL-935.

The proposed rules and forms are attached at pages 5–18.

Rationale for Recommendation

1. Intercounty transfers—rule 1425

The committee proposes amending rule 1425 to clarify that when a court in one county transfers a dependency or delinquency case to a court in another county, the transferring court need only send certified copies of the transfer order and the complete case file, not true originals. This amendment would ensure that both courts have a true copy of the case file. Another amendment would clarify that the residence of the person entitled to physical (not legal) custody is the child's residence.

2. Intercounty transfers—rule 1426

The committee proposes amending rule 1426 to require the receiving court, when it notifies the child and parent or guardian of the transfer-in hearing, also to notify the transferring court of its receipt of the certified copies of the transfer order and complete case file. This amendment would avoid the issuance of superfluous or conflicting orders by a court without jurisdiction and would impose little additional burden on the court.

3. References to presumed fatherhood—forms JV-500 and JV-501

The committee proposes revising forms JV-500 (*Paternity Inquiry—Juvenile*) and JV-501 (*Paternity—Finding and Judgment*) to eliminate references to presumed fathers. These forms should never be used to identify a presumed father.

Section 361.5(a) of the Welfare and Institutions Code distinguishes between presumed fathers and biological fathers, requiring the court to provide reunification services to presumed fathers. For biological fathers, however, section 361.5(a) requires no services; it merely allows the court to provide them if the court determines that the services would benefit the child. Only a court may determine whether a man has attained presumed father status.

Revisions to the paternity inquiry and finding forms (JV-500 and JV-501) would clarify that these forms refer only to the biological father. Without these revisions, a finding of paternity on form JV-501 might be incorrectly interpreted as a finding of presumed father status entitling the father to services. Technical revisions to these forms would replace references to the district attorney with references to the local child support agency.

4. Certification of authenticity—form JV-450

The committee proposes adding a clerk's certificate of authenticity to form JV-450 (*Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance*) to facilitate cooperation between the court and the prison officials involved in transferring a prisoner to court for a hearing affecting his or her parental rights. Without the certification that the form is a true copy of the judicial order, a prison official might refuse to deliver the prisoner for his or her appearance at the hearing.

5. Juvenile Wardship Petition—form JV-600

The committee proposes revising form JV-600 (*Juvenile Wardship Petition*) to make it consistent with the juvenile dependency petition forms (JV-100 and JV-110) in two respects. The first revision would add check boxes to item 1h to solicit additional information about the child's father. The second revision would add items 1m and 1n for the probation officer to indicate whether the child may be a member of, or eligible for membership in, a federally recognized Indian tribe or may be of Indian ancestry. The latter revision is important to promote the juvenile court's compliance with the federal Indian Child Welfare Act's notice requirements.

6. Application for guardian ad litem—form FJ-200/FL-935

The committee proposes revising form FJ-200 (*Application and Order for Appointment of Guardian ad Litem of Minor—Family Law/Juvenile*) to eliminate a conflict between the form and the governing law. Since the enactment of section 326.5 of the Welfare and Institutions Code in 2000, that statute, as implemented by rules 1438 and 1448 of the California Rules of Court, has governed the appointment of guardians ad litem in juvenile dependency proceedings. Current form FJ-200, however, applies the standards for appointing a family law guardian ad litem to the appointment of a guardian ad litem in juvenile proceedings. The revisions would clarify that the form applies only to family law proceedings. It would be renumbered as FL-935 and renamed *Application and Order for Appointment of Guardian ad Litem of Minor—Family Law*. All references to juvenile proceedings would be deleted. The form would continue to apply to the appointment of a guardian ad litem for a child in all family law proceedings other than dissolution.

7. Application for guardian ad litem—form 982(a)(27)

The committee also proposes conforming revisions to form 982(a)(27) to correct cross-references to revised and renumbered form FL-935.¹

¹ Conforming revisions to form DE-350/GC-100 are before the council in a separate report.

Alternative Actions Considered

The proposed amendments to rules 1425 and 1426 and revisions to forms JV-450, JV-500, JV-501, FJ-200, and 982(a)(27) are necessary to clarify them, bring them into compliance with statutory mandates, and facilitate coordination of proceedings. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 17, 2003, through July 1, 2003, to the standard mailing list for family and juvenile law proposals, as well as the regular rules and forms mailing list. We received a total of five comments. One commentator agreed with the proposed changes, one commentator submitted “no comment,” and three commentators agreed with the proposal if it is modified.

Two commentators suggested that requiring the clerk of the transferring court to send certified copies of each document in the entire case file would cause delays in case processing and unduly burden the clerk’s staff. Based on these comments and research into the procedure for certifying a case record on appeal, amended rules 1425 and 1426 require certification of the complete file rather than of each document within the file. Care was taken to specify that the clerk must certify and transmit a copy of the complete file, and not just parts of it, to the receiving court.

One commentator suggested that the council develop a statewide form for the receiving court to use to comply with rule 1426(a)(2)’s proposed requirement that it notify the transferring court of its receipt of the transfer order and case file. The committee recommends that courts be permitted to develop their own procedures for notification of receipt. A standard form and procedure might cause unnecessary delays in case processing and unduly burden court staff. If experience in implementing the notification requirement demonstrates a need for a new statewide form and procedure, the council could consider adopting them then.

Another commentator suggested replacing references to section 300 and 602 of the Welfare and Institutions Code in rule 1425(c)’s discussion of disposition hearings in delinquency and dependency cases. The commentator requested substitution of references to the precise code sections that govern disposition hearings. The committee agrees that the references are imprecise and should be deleted. To avoid confusion and the need for future amendments, the committee recommends referring to disposition hearings in delinquency and dependency cases by name and omitting reference to the code sections.

The comments are summarized in the chart attached at pages 19–21.

Implementation Requirements and Costs

Implementation of the revised forms would require courts to incur standard reproduction costs.

Attachments

Rules 1425 and 1426 of the California Rules of Court are amended, effective January 1, 2004, to read:

Rule 1425. Transfer-out hearing

(a) [Determination of residence—special rule on intercounty transfers (§§ 375, 750)]

(1) For purposes of rules 1425 and 1426, the residence of the child ~~shall be~~ is the residence of the person who has the legal right to physical custody of the child according to a prior court order, including:

~~(1)(A)~~ (A) A juvenile court order under § section 361.2; and

~~(2)(B)~~ (B) An order appointing a guardian of the person of the child.

(2) If there is no order determining custody, ~~custody shall be with both~~ parents are deemed to have physical custody.

(3) The juvenile court may make a finding of paternity under rule 1412. If there is no finding of paternity, ~~custody shall be with the mother is~~ deemed to have physical custody.

(4) Residence of a ward may be with the person with whom the child resides with approval of the court.

(b) [Verification of residence] The residence of the person entitled to physical custody may be verified by ~~the~~ that person in court or by declaration ~~by~~ of a probation officer in the transferring or receiving county.

(c) [Transfer to county of child's residence (§§ 375, 750)]

(1) After making its jurisdictional finding, the court may order the case transferred to the juvenile court of the county of the child's residence ~~of the child~~ if:

~~(1)(A)~~ (A) The petition was filed in a county other than that of the child's residence; ~~of the child~~, or

~~(2)(B)~~ (B) The child's residence ~~of the child~~ was changed to another county after the petition was filed.

- 1 (2) If the court decides to transfer ~~the~~ a delinquency case, the court ~~shall~~ must
2 order the transfer before beginning the ~~602~~ disposition hearing without
3 adjudging the child to be a ward.
4
- 5 (3) If the court decides to transfer a dependency case, the ~~The~~ court may
6 order the transfer before or after the ~~300~~ disposition hearing.
7
- 8 (d) **[Transfer on subsequent change in child's residence (§§ 375, 750)]** If, after
9 the child has been placed under a program of supervision, the residence is
10 changed to another county, the court may, upon an application for modification
11 under rule 1432, transfer the case to the juvenile court of the other county.
12
- 13 (e) **[Conduct of hearing]** After the court determines the identity and residence of
14 the child's custodian, the court ~~shall~~ must consider whether transfer of the case
15 would be in the child's best interests. The court ~~shall~~ may not transfer the case
16 unless it determines that the transfer will protect or further the child's best
17 interests.
18
- 19 (f) **[Order of transfer (§§ 377, 752)]** The order of transfer ~~shall~~ must be entered
20 on Judicial Council form *Juvenile Court Transfer Orders* (JV-550), which
21 ~~shall~~ must include all required information and findings.
22
- 23 (g) **[Transport of child and transmittal of documents (§§ 377, 752)]**
24
- 25 (1) If the child is ordered transported to the receiving county in custody, the
26 child ~~shall~~ must be delivered to the receiving county within seven court
27 days, and the clerk of the court of the transferring county ~~shall~~ must
28 prepare ~~all papers contained in the files~~ a certified copy of the complete
29 case file so that ~~they~~ it may be transported with the child to the court of
30 the receiving county.
31
- 32 (2) If the child is not ordered transported in custody, the clerk of the
33 transferring court ~~shall~~ must transmit to the clerk of the court of the
34 receiving county within 10 court days ~~all papers contained in the files~~ a
35 certified copy of the complete case file.
36
- 37 (3) ~~Certified copies shall be~~ A certified copy of the complete case file is
38 deemed an originals.
39
- 40 (h) **[Appeal of transfer order (§§ 379, 754)]** The order of transfer may be
41 appealed by the transferring or receiving county and notice of appeal ~~shall~~
42 must be filed in the transferring county, under rule 39. Notwithstanding the

1 filing of a notice of appeal, the receiving county ~~shall~~ must assume jurisdiction
2 of the case on receipt and filing of the order of transfer.

3
4 **Rule 1426. Transfer-in hearing**

5
6 **(a) [Procedure on transfer (§§ 378, 753)]**

7
8 (1) On receipt and filing of ~~an order of transfer~~ a certified copy of a transfer
9 order, the receiving court ~~shall~~ must take jurisdiction of the case. The
10 receiving court may not reject the case. The clerk of the receiving court
11 ~~shall~~ must immediately place the transferred case on the court calendar
12 for a transfer-in hearing by the court:

13
14 (1)(A) Within two court days after the transfer-out order and
15 documents are received if the child has been transported in custody
16 and remains detained; or

17
18 (2)(B) Within 10 court days after the transfer-out order and
19 documents are received if the child is not detained in custody.

20
21 (2) ~~Requests~~ No requests for additional time for the transfer-in hearing ~~shall~~
22 ~~be denied~~ may be approved. The clerk ~~shall~~ must immediately cause
23 notice to be given to the child and the parent or guardian, orally or in
24 writing, of the time and place of the transfer-in hearing. The receiving
25 court must notify the transferring court upon receipt and filing of the
26 certified copies of the transfer order and complete case file.

27
28 **(b) [Conduct of hearing]** At the transfer-in hearing, the court ~~shall~~ must:

29
30 (1) Advise the child and the parent or guardian of the purpose and scope of
31 the hearing;

32
33 (2) Provide for the appointment of counsel if appropriate; and

34
35 (3) If the child was transferred to the county in custody, determine whether
36 the child shall be further detained ~~pursuant to~~ under rule 1440 or 1470.

37
38 **(c) [Subsequent proceedings]** The proceedings in the receiving court ~~shall~~ must
39 commence at the same phase as when the case was transferred. The court may
40 continue the hearing for an investigation and report to a date not to exceed 10
41 court days if the child is in custody or 15 court days if the child is not detained
42 in custody.
43

- 1 (d) **[Limitation on more restrictive custody (§§ 387, 777)]** If a disposition order
2 has already been made in the transferring county, a more restrictive level of
3 physical custody ~~shall~~ may not be ordered in the receiving county except after
4 a hearing upon a supplemental petition under rule 1431.
5
- 6 (e) **[Setting six-month review (§ 366)]** When an order of transfer is received and
7 filed relating to a child who has been declared a dependent, the court ~~shall~~
8 must set a date for a six-month review within six months of the disposition or
9 the most recent review hearing.
10
- 11 (f) **[Change of circumstances or additional facts]** If the receiving court believes
12 that a change of circumstances or additional facts indicates that the child does
13 not reside in the receiving county, a transfer-out hearing ~~shall~~ must be held
14 under rules 1425 and 1432. The court may direct the department of social
15 services or the probation department to seek a modification of orders under
16 section 388 or 778 and under rule 1432.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) or GOVERNMENTAL AGENCY: TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 3</h1> <h1 style="margin: 0;">8/15/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
PETITIONER: RESPONDENT: OTHER PARENT:	
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM OF MINOR—FAMILY LAW <input type="checkbox"/> EX PARTE	CASE NUMBERS:
NOTE: This form is for use in family law proceedings with the exception of dissolution proceedings. For appointment of a guardian ad litem in civil proceedings, use form 982(a)(27). For appointment of a guardian ad litem in probate proceedings, use form DE-350/GC-100.	

1. I (name): _____ am the _____
- a. ☐ attorney for
- (1) ☐ minor.
- (2) ☐ parent of the minor.
- (3) ☐ other interested person (specify name and relationship): _____
- b. ☐ parent of the minor.
- c. ☐ other interested person.
- d. ☐ minor (answer all that apply to you):
- (1) My date of birth is (specify): _____
- (2) I live with my ☐ mother ☐ father ☐ legal guardian ☐ other (specify name and relationship): _____
- (3) My mother's name is (specify): _____, and her address is: _____
- (4) My father's name is (specify): _____, and his address is: _____
- (5) ☐ I have a legal guardian. My legal guardian's name is (specify): _____, and his or her address is: _____
- The guardianship was established in: _____ County, case no. (if known): _____
2. I ask the court to appoint the following person as guardian ad litem for the minor (state name, address, and telephone no.): _____
3. The relationship of the person listed in item 2 to the minor is
- a. ☐ parent
- b. ☐ other (specify): _____
4. Appointment of a guardian ad litem is necessary because (specify): _____

☐ Continued on Attachment 4 (describe in detail; attach additional pages if necessary).

CHILD'S NAME: PETITIONER: RESPONDENT: OTHER PARENT:	CASE NUMBERS:
--	---------------

5. The proposed guardian ad litem is fully competent to understand and protect the rights of the minor and has no interests conflicting with those of the minor.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem and agree to assume the responsibilities.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF PROPOSED GUARDIAN)

CONSENT TO GUARDIAN BY MINOR 14 YEARS OF AGE OR OLDER

I, *(name)*: _____, am *(specify age)*: _____ years of age and hereby nominate
(name): _____ to be my guardian ad litem to represent my interests for the
reasons set forth in items 4 and 5 of this application.

Date:

_____	▶	_____
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)

ORDER ☐ EX PARTE

THE COURT FINDS

It is reasonable and necessary to appoint a guardian ad litem for the person named in the application, as requested above.

THE COURT ORDERS that *(name)*: _____ is hereby appointed guardian ad
litem of *(name)*: _____ for the purposes hereinabove set
forth in item 4 of the petition.

Application for Appointment of Guardian ad Litem filed *(date)*:

- a. ☐ is denied.
- b. ☐ is granted.
- c. ☐ is set for hearing on *(date)*:

at *(time)*:

Date:

_____	JUDICIAL OFFICER
<input type="checkbox"/>	SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT 4 <input type="checkbox"/> 8/15/03
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
ORDER FOR PRISONER'S APPEARANCE AT HEARING AFFECTING PRISONER'S PARENTAL RIGHTS <input type="checkbox"/> Waiver of Appearance	CASE NUMBER: _____

1. A HEARING regarding the custody of the following children (*names*):

will be held

on (<i>date</i>):	at (<i>time</i>):	in Dept.:	Room:
---------------------	---------------------	-----------	-------

located at ☐ court address above ☐ other (*specify address*):

2. The hearing will be held under:
- ☐ **Family Code section 7800 et seq.** (to terminate parental rights)
 - ☐ **Welfare and Institutions Code section 300** (to declare the child a dependent of the court)
 - ☐ **Welfare and Institutions Code section 366.26** to
 - ☐ terminate parental rights.
 - ☐ appoint a legal guardian.
 - ☐ order the child into another planned permanent living arrangement.
 - ☐ Other (*specify*):

3. **To the Warden or Director of (*name of institution*):**

You are ordered to deliver prisoner (*name and identification number*):

who is a party, into the custody of (*name*):

so the prisoner may be transported to this court for the hearing unless the prisoner executes the attached waiver or refuses to be transported. The sheriff is ordered to return the prisoner to _____ when his or her appearance is no longer necessary.

Date:

JUDGE / REFEREE / COMMISSIONER

- ☐ The *Waiver of Right to Be Present at Hearing* on reverse is completed (*item 7*).
- ☐ The *Declaration of Translation* on reverse is completed (*item 8*).
- ☐ The *Declaration That Prisoner Does Not Wish to Attend Hearing* on reverse is completed (*item 9*).

CASE NAME: _____	CASE NUMBER: _____
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☐ **WAIVER OF RIGHT TO BE PRESENT AT HEARING AFFECTING PRISONER'S PARENTAL RIGHTS**

7. I HEREBY WAIVE MY RIGHT TO ATTEND THE HEARING.

- a. ☐ I authorize my attorney of record to represent me at the hearing.
b. ☐ I request that an attorney be appointed to represent me and to appear for me at the hearing.
c. ☐ I waive my right to be represented by an attorney.

Date: _____

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PARENT)
-------------------------------	--	--------------------------------

☐ **Declaration of Translation**

(To be completed if prisoner does not understand English sufficiently to read this form.)

8. a. The prisoner's primary language is ☐ Spanish ☐ other (*specify*): _____
b. I certify that I translated this form to the prisoner in the prisoner's primary language to the best of my ability.

Date: _____

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PERSON TRANSLATING)
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☐ **Declaration That Prisoner Does Not Wish to Attend Hearing**

9. The prisoner (*name*): _____ has stated to me, or by conduct indicated to me, that he or she does not wish to attend the hearing in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
_____ (TITLE OF PRISON OFFICIAL)		

CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

[SEAL]

(FAX):

- | 2. | <u>Child's name</u> | <u>Age</u> | <u>Date of birth</u> | <u>Sex</u> |
|----|---------------------|------------|----------------------|------------|
|----|---------------------|------------|----------------------|------------|

Date: _____

JUDICIAL OFFICER

3. The following information is available:

No order
determining
paternity

☐ Certified copies of court orders attached.

4. ☐ Paternity was established by voluntary declaration on (date):

Date: _____

Local child support agency staff _____
(title)

Child's nameDate of birth

and a Judgment is hereby entered.

Date:

JUDICIAL OFFICER

☐ First-class mail
☐ County mail or courier
☐ FAX

Date:

Clerk, by _____, Deputy

PETITIONER OR ATTORNEY (Name, State Bar number and address): <hr/> TELEPHONE NO.: FAX NO.: ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">DRAFT 7</div> <div style="font-size: 2em; font-weight: bold; margin: 0 0 20px 0;">09/24/03</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
CASE NAME:	
<div style="text-align: center;"> JUVENILE WARDSHIP PETITION (Welfare and Institutions Code, § 600 et seq.) </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> § 601(a) <input type="checkbox"/> § 601(b) </div> <div style="text-align: center;"> <input type="checkbox"/> § 602(a) <input type="checkbox"/> § 777 </div> <div style="text-align: center;"> <input type="checkbox"/> § 778 </div> </div>	

1. Petitioner on information and belief alleges the following:

a. <input type="checkbox"/> The child named below comes within the jurisdiction of the juvenile court under the following sections of the Welfare and Institutions Code (check applicable boxes; see attachments for concise statements of facts): <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a) Violation (specify code and section No.): </div>			
b. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a).			
c. Child's name and address:	d. Age:	e. Date of birth:	f. Sex:
g. Mother's name: <input type="checkbox"/> unknown Address: <input type="checkbox"/> unknown	h. Father's name: <input type="checkbox"/> unknown Address: <input type="checkbox"/> unknown <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Other (state name, address, and relationship to child): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.	j. Other (state name, address, and relationship to child): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
k. Attorney for child (if known): Address: Phone number:	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained. Date and time of detention (custody):		
m. <input type="checkbox"/> Child may be a member of, or may be eligible for membership in, a federally recognized Indian tribe.			
n. <input type="checkbox"/> Child may be of Indian ancestry.			

2. ☐ Petitioner requests a hearing to determine whether the child is a fit and proper subject under juvenile court law under Welfare and Institutions Code section ☐ 707(a)(1) ☐ 707(a)(2) ☐ 707(c).

(See important notice on page 2)

Page 1 of 2

CASE NAME:	CASE NUMBER:
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3. Petitioner requests that the court find these allegations to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

☐ Number of pages attached: _____

— NOTICE —

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for your child or you by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 3</h1> <h1 style="text-align: center;">8/15/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	
<p style="text-align: center;">APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL</p> <p style="text-align: center;"><input type="checkbox"/> EX PARTE</p>	CASE NUMBER: _____

Note: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual may not act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.

1. Applicant (*name*): _____ is
 - a. ☐ the parent of (*name*): _____
 - b. ☐ the guardian of (*name*): _____
 - c. ☐ the conservator of (*name*): _____
 - d. ☐ a party to the suit.
 - e. ☐ the minor to be represented (*if the minor is 14 years of age or older*).
 - f. ☐ another interested person (*specify capacity*): _____
2. This application seeks the appointment of the following person as guardian ad litem (*state name, address, and telephone number*): _____
3. The guardian ad litem is to represent the interests of the following person (*state name, address, and telephone number*): _____
4. The person to be represented is:
 - a. ☐ a minor (*date of birth*): _____
 - b. ☐ an incompetent person.
 - c. ☐ a person for whom a conservator has been appointed.
5. The court should appoint a guardian ad litem because:
 - a. ☐ the person named in item 3 has a cause or causes of action on which suit should be brought (*describe*): _____

☐ Continued on Attachment 5a.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.
- c. ☐ the person named in item 3 has no guardian or conservator of his or her estate.
- d. ☐ the appointment of a guardian ad litem is necessary for the following reasons (*specify*):

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:
- a. ☐ related (*state relationship*):
- b. ☐ not related (*specify capacity*):
7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (*If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed*):

☐ Continued on Attachment 7.

(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY)
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF APPLICANT)
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CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.
Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)
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ORDER ☐ **EX PARTE**

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (*name*):
is hereby appointed as the guardian ad litem for (*name*):
for the reasons set forth in item 5 of the application.
Date:

JUDICIAL OFFICER	<input type="checkbox"/> SIGNATURE FOLLOWS LAST ATTACHMENT
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SPR03-49

Juvenile Law: Miscellaneous Rules and Forms
(amend Cal. Rules of Court, rules 1425 and 1426;

revise Judicial Council forms JV-450, JV-500, JV-501, JV-600, and 982(a)(27); revise form FJ-200 and renumber as FL-935)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Hon. Brian J. Back Juvenile Court Presiding Judge Superior Court of California, County of Ventura	A	N	<i>No specific comment.</i>	No response required.
2.	Mr. Robert Gerard President Orange County Bar Association	AM	Y	Agree with proposed technical corrections. Recommend that items <i>l.</i> and <i>m.</i> on Form JV-101 conform to the recommended amendments to rule 1439.	The proposed revisions to form JV-101 have been withdrawn. The existing form conforms to the recommended amendments to rule 1439.
3.	Ms. Tricia McCoy Supervising Clerk—Juvenile Division Superior Court of California, County of Kern	AM	Y	<ol style="list-style-type: none"> 1. The rules committee supports the amendments to rule 1425(g) requiring certified copies to be sent. The council should consider establishing a method to certify the entire file instead of certifying each document in the file. Certification of individual documents would consume time and impose a burden on court staff. 2. The rules committee supports requiring the receiving county, in rule 1426(a)(2), to notify the sending county of receipt of the transfer order and case file. The council should adopt a statewide form for this purpose. 3. The rules committee supports the revisions to form JV-500. 4. The rules committee supports the revisions to form JV-450. 5. The rules committee requests that form JV-501 include check boxes to allow identification of the father as “presumed” or “biological.” 	<ol style="list-style-type: none"> 1. Agree. Rule 1425(g) has been amended to require certification of the entire case file rather than certification of each document in the file. This requirement is modeled on rule 35’s requirement of the certification of the record on appeal. 2. Each court should use whatever procedure it finds most efficient to notify the transferring court. There is no demonstrated need for a new form or a standard procedure. 3. No response required. 4. No response required. 5. Form JV-501 should never be used to make a finding of presumed fatherhood.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
4.	Mr. Saul Bercovitch State Bar of California Family Law Section		Y	No comment.	No response required.
5.	Mr. Stephen Love Executive Officer Superior Court of California, County of San Diego	AM	N	<ol style="list-style-type: none"> 1. The court does not currently send certified copies of case files in transferred cases. The amendments to rule 1425(g) requiring certified copies to be sent would increase the time necessary to prepare transfer case files for mailing. 2. Change Welfare and Institutions Code reference to the delinquency disposition hearing in rule 1425(c)(2) from section 602 to section 702. 3. Change Welfare and Institutions Code reference to the dependency disposition hearing in rule 1425(c)(3) from section 300 to section 358. 	<ol style="list-style-type: none"> 1. Agree. Rule 1425(g) has been amended to require certification of the entire case file rather than certification of each document in the file. This requirement is modeled on rule 35's requirement of the certification of the record on appeal. 2. Agree in part. Reference to section 602 is often used as shorthand for the entire delinquency portion of the Welfare and Institutions Code. Because this reference is imprecise and because the code section governing the disposition hearing may change, the rule has been amended to refer to the disposition hearing solely by name. 3. Agree in part. Reference to section 300 is often used as shorthand for the entire dependency portion of the Welfare and Institutions Code. Because this reference is imprecise and because the code section governing the disposition hearing may change, the rule has been amended to refer to the disposition hearing solely by name. 4. Agree. The proposed amendment has been made.

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Juvenile Law: Miscellaneous Rules and Forms
(amend Cal. Rules of Court, rules 1425 and 1426;

revise Judicial Council forms JV-450, JV-500, JV-501, JV-600, and 982(a)(27); revise form FJ-200 and renumber as FL-935)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				4. In rule 1426(a)(2), change “copy” to “copies.” 5. On form JV-450, item 2.c.(3), change “long-term foster care” to “another planned permanent living arrangement.”	5. Agree. The proposed revision has been made.